



Appeal Decision

Site visit made on 9 December 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2026

Appeal Ref: APP/X0415/W/25/3372876

Parkwood Farm, Maltmans Lane, Chalfont St. Peter, Buckinghamshire SL9 8RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jon Furneaux of Palatine Homes Ltd against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref is PL/24/2845/FA.
 - The development proposed is erection of 5 detached houses with garages following demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - Flood risk;
 - The effect of the proposed development upon the integrity of the Burnham Beeches Special Area of Conservation (SAC);
 - The effect of the proposal upon Chalfont St Peter Parish Footpath No.31;
 - The effect of the proposed development upon the character and appearance of the area;
 - Whether affordable housing is required to make the proposal acceptable in planning terms; and
 - Housing mix.

Reasons

Flood risk

4. Based on the Environment Agency flood maps and the submitted Flood Risk Assessment and Drainage Strategy the site falls within Flood Zone 1 which represents a low probability of flooding. It also indicates that the site is at a low risk of flooding from other sources. That said, the Council advise that the Local Lead Flood Authority (LLFA) have expressed fundamental concerns about the feasibility of the proposed surface water drainage strategy.
5. The appellant has undertaken onsite deep infiltration rate testing and ground water monitoring and developed a drainage system that includes a single deep bore hole soakaway and below ground storage.
6. Having regard to the appellant's drainage evidence and whilst acknowledging that further investigation, modelling and calculations would be required I am satisfied that the ground conditions and ground water levels have been established and the parameters of a workable drainage strategy identified.
7. The National Planning Policy Framework (the Framework), at paragraph 56, states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.
8. Having regard to the submitted drainage evidence and the additional information required by the LLFA which primarily concerns the detailed design and ongoing maintenance I am satisfied that such matters could be reasonably secured by condition.
9. As such, based on the evidence before me I am satisfied that the proposed development would not increase the risk of flooding on and off the site. It therefore would accord with the Chiltern Local Plan (1997) (LP) Policy GC10 and Core Strategy for Chiltern District (2011) (CS) Policy CS4 which, amongst other things, seek to prevent increased risks of flooding within the site and to adjoining land.

Burnham Beeches SAC

10. The site lies within 5.6km of Burnham Beeches SAC. The SAC is important for its ancient and pollarded beech and oak trees and the quality and quantity of its decaying wood habitat and the species that it supports. Recreational activities within the SAC have resulted in adverse impacts including contamination, trampling and harvesting.
11. As the appeal site is in close proximity to the SAC, and residential development is of a type that is likely to result in recreational visits to the protected habitat it is necessary for me, as the competent authority for the purposes of the Habitat Regulations, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the SAC.
12. The Strategic Access Management and Monitoring Strategy (SAMMS) requires a mitigation payment from all new development between 0.5km and 5.6km of the SAC. This payment is to be secured by way of a planning obligation.

13. The appellant has produced a signed and dated planning obligation by Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990. The UU would ensure a payment towards the SAMMS strategy.
14. As the appellant is providing a financial contribution towards SAMM measures secured through the UU I am satisfied that the impact of the proposed development could be mitigated and that a likely significant effect on the integrity of the Burnham Beeches SAC would not occur.
15. Therefore, the proposal, accords with Policy CS24 which, amongst other things, seeks to protect and enhance legally protected sites and networks of habitats of international, national, regional or local importance.

Effect upon footpath No.31

16. I note the presence of a public footpath from Maltmans Lane along the access road to Parkwood Farm that extends northwards across the surrounding countryside past the site. At the time of my visit, I noted that the northern side of the access road is well trodden and is sandwiched between a hedgerow and low chain link fence. However, plans before me indicate that this is not the definitive line of the footpath, but which is actually routed parallel to the south of the access road.
17. The appellant advises that the proposed development would not interfere with the definitive route of the footpath or its current condition. On this basis, there is nothing to suggest that the proposal would undermine the usability of the definitive line of the footpath for walkers. Nor is there anything to suggest that the proposed layout would hinder future occupiers from accessing the public footpath.
18. Whilst the northern side of the road represents a narrow corridor and appears to be the route that many walkers use, I saw nothing that would prevent walkers from following the route of the definitive line of the footpath. In my view, given the footpath falls outside of the redline plan submitted with the application and as the proposal would not impact upon the route or its condition any requests to improve it would be unreasonable.
19. As such, there would be no conflict with Policy CS26 which, amongst other things, seeks to ensure that the convenient use and enjoyment of existing public rights of way, such as footpaths, are not affected by development.

Character and appearance

20. The appeal site comprises a complex of rural buildings of utilitarian appearance surrounded by areas of hardstanding with a menage in the northwest corner formerly occupied as an equestrian centre located within the Green Belt. The site is accessed via a shared driveway and public footpath leading off Maltmans Lane. When approaching the site either by vehicle or on foot from Maltmans Lane and once past Maltmans Green school the undulating landscape and field pattern, that the site sits in, dominates and gives the overwhelming impression of being within the countryside. This is reinforced by verdant field boundaries and expansive views to the north and west. To my mind, the site sits within a rural landscape.
21. I have no reason to doubt that the design of the dwellings proposed are individual and bespoke and incorporate traditional materials. However, the dwellings on account of their overall design and scale would not be reflective of a rural

vernacular but rather would be suburban in appearance. The layout of large detached dwellings in sizable individual plots, would resemble a cul-de-sac, not a courtyard, compounding this suburban character failing to reflect its countryside location. The landscaping scheme advanced would do little to disguise the prominence of the development and due to its domestic nature would fail to successfully integrate the development into the local landscape.

22. Whilst there would be separation between the built form and views through the site the development on account of its suburban appearance and inward facing layout would have a limited physical and visual connection with the surrounding rurality.
23. I acknowledge that the site is not isolated and houses on the edge of Chalfont St Peter are visible from within the site. However, there is a degree of physical and visual separation on account of intervening fields and once past the built form on Maltmans Lane there is an overwhelming impression of being within the countryside because of the surrounding verdant landscape, expansive views of open countryside and big skies.
24. Taking the above into account, the proposed development would appear as an unduly prominent and alien urban feature within this verdant and largely open landscape significantly harming its rural character.
25. Whilst the proposal would not affect green networks, wildlife corridors or farming practices it does not overcome my findings in respect of this main issue.
26. The current equestrian yard and buildings, despite their overall scale and site coverage, are common features of rural landscapes and their presence would be of no surprise to users of the countryside, despite its condition. As such, I give limited weight to this part of the appellant's argument and is not justification for a scheme that I have found to be harmful.
27. The appellant has drawn my attention to residential developments granted planning permission which they consider are relevant. In respect of the Mill Lane scheme the site is flanked on two sides by houses and is reflective of the surrounding character which is in part defined by large and relatively modern houses. The Fernacre Farm development appears to reflect the surrounding context which is formed of loose knit clusters of built form surrounded by a verdant landscape. The Chequers End scheme would essentially round off the neighbouring built form and the varying size, scale and appearance of the buildings would be in keeping with its rural setting. In my judgement they are not directly comparable to the appeal scheme before me. I therefore find that these examples do not alter or outweigh my conclusion on this main issue. In any event every application and appeal must be considered on its own merits, as I have done.
28. As such, the proposed development would adversely affect the character and appearance of the area contrary to LP Policies GC1 and GB30 and Policy CS20 which, amongst other things, require development to relate well to the characteristics of the site on which it is to be located; well-integrated into its rural setting and conserve the scenic beauty and amenity of the landscape and a high standard of design which reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness.

Affordable housing

29. Policy CS8 states that there should be at least one affordable housing unit on sites of 5 to 7 dwellings. There are circumstances where by material considerations, including the Framework, may indicate that a decision otherwise than in accordance with the development plan should be taken. However, the development plan has primacy in decision making and, as the appellant directs, the CS would have been subject to a viability assessment before adoption, informed by an evidence base, and found to be sound following examination in public.
30. The criteria outlined under Policy CS8 was therefore established following full consideration of the evidence and it is not within the gift of the Council to change the criteria of the policy without a formal review of the development plan.
31. Reference has been made to paragraph 65 of the Framework superseding Policy CS8 and which states that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. However, on account of the site area exceeding 0.5 hectares the proposal would meet the definition of major development in the Glossary to the Framework. I, therefore, question its applicability to the appeal proposal.
32. In coming to my decision, I have paid regard to the examples provided by the appellant where the Council has not sought affordable housing, but I am not bound by the Council's decisions in respect of this matter.
33. Consequently, based on the number of units proposed and as the scheme would not provide any affordable housing there would be conflict with Policy CS8 which requires an appropriate contribution towards affordable housing.

Housing Mix

34. Policy H1 of the made Chalfont St Peter Neighbourhood Plan (2016) (NP) states that on developments where there is a net gain of four or more dwellings, two bedroom dwellings must be included. The supporting text to the policy indicates that the village has a high proportion of large homes and a wider mix of housing sizes are required for it to be sustainable. Whilst some flexibility in its application is inferred I have not been provided with any compelling evidence to lead me to deviate from the requirement for the inclusion of a smaller unit.
35. Whilst the appellant contends that the scheme represents a suitable balance between the efficient use of brownfield land and maintaining the openness of the Green Belt, to my mind, this is not justification for the absence of smaller units as required by the NP. There is no certainty that the proposed development would release smaller units back into the housing stock. As such, I give this aspect of the appellant's argument limited weight in coming to my decision.
36. The proposed development is for five detached dwellings accommodating four and five bedrooms. As the scheme would provide a net gain of four or more dwellings and no two-bedroom dwellings are proposed there would be conflict with NP Policy H1.

Other Matters

37. I note the representations made by local residents to the appeal raising additional matters. However, given my findings in respect of the appeal there is no need for me to address these points in detail.

Planning Balance

38. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, whilst the development plan has primacy in decision making, there are circumstances where by material considerations may indicate that a decision otherwise than in accordance with the development plan should be taken. The Framework is one such material consideration.
39. The appellant contends that the Council's deliverable supply of housing sites is in the region of 0.73 years set out in the East Planning Area Five-Year Housing Supply Position Statement dated January 2025. The Council acknowledge that they cannot demonstrate a deliverable five-year supply of housing sites, however, they have not commented on the extent of the shortfall. There is nothing substantive before me to lead me to conclude that the figure presented by the appellant is not accurate.
40. As the Council cannot demonstrate a deliverable five-year supply of housing land the policies which are most important for determining the application are out-of-date and paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged.
41. I note that the Chalfont St Peter NP forms part of the development plan and therefore the tests set out in paragraph 14 of the Framework are relevant. In terms of criterion a) the NP was adopted in 2016 and falls beyond the five-year limit and b) it does not contain policies and allocations to meet its identified housing requirement. It is clear that for paragraph 14 to apply both tests must be satisfied which is not the case in this instance.
42. Where policies are out-of-date, paragraph 11 (d) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
43. Having regard to the extent of the shortfall it is evident that there is a pressing and urgent need for housing in the area. As such, the delivery of five dwellings would make an important contribution to housing supply meeting the needs of the area. Accordingly, the delivery of market units attracts significant weight in favour of the development.
44. The development would provide jobs, but this would largely be limited to the construction phase. New residents would support services and facilities located within the local area through increased expenditure. These social and economic benefits attract moderate weight in favour of the proposal.

45. I acknowledge that the proposal would not harm the openness of the Green Belt or the purposes of including land within it, but this is something that development in such areas should aim to achieve in any event. The aim should also be to provide satisfactory living conditions for future occupiers. The New Homes Bonus would contribute towards supporting or improving local facilities and infrastructure. However, this would essentially mitigate the impact of the proposed development in planning terms. As such, these matters above are of neutral consequence in the overall balance.
46. On the other hand, I have found that the proposed development would adversely affect the character and appearance of the area failing to deliver a well-designed place and would fail to deliver an appropriate mix of units and affordable housing. These matters carry very significant weight against the proposal.
47. Even taking into account the objective to significantly boost the supply of housing including on previously developed land and the Council's housing land supply position, the conflict between the proposal and the most important policies in the development plan should be given very significant weight in this appeal. In the context of the above, and taking into account the aforementioned other considerations, I find that the identified adverse impacts of the development would significantly and demonstrably outweigh the identified benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Consequently, I conclude that the proposal would not deliver a sustainable form of development. Therefore, the appeal is dismissed.

Conclusion

48. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR